



DEPARTMENT OF EDUCATION

P.O. BOX 83720
BOISE, IDAHO 83720-0027

DR. MARILYN HOWARD
STATE SUPERINTENDENT
PUBLIC INSTRUCTION

STATE GUIDANCE

To: Child Nutrition Programs
From: Mary Jo Marshall, B.S., Specialist
Date: September 22, 2005
Subject: Direct Verification – Reauthorization 2004: Implementation Memo SP-19
Policy Memo SP-05-27

This memo is to remind State agencies and local educational agencies (LEAs) of the direct verification provision of the 2004 Child Nutrition and WIC Reauthorization Act. This provision permits LEAs to directly verify free or reduced-price meal applications selected for verification using income and program participation information from a public agency administering the Food Stamp Program, Food Distribution Program on Indian Reservations (FDPIR), and Temporary Assistance for Needy Families (TANF) and State Medicaid programs under title XIX of the Social Security Act, or a similar income tested program or other source of information as determined by the Secretary.

FNS issued a memorandum concerning direct verification on November 15, 2004. That memorandum encouraged State child nutrition agencies to work with their counterparts in State agencies administering the means-tested programs mentioned above. Direct verification reduces the burden on families by using alternate sources of information to confirm eligibility; helps ensure the accuracy of eligibility determinations and should reduce the non-response rate of households selected for verification. Regulations to implement this provision are under development. However, in the interim, we would like to reiterate the following regarding direct verification:

- The law specifies that the decision to use direct verification is at the LEA level. State agencies must support and assist with any LEA's decision to use direct verification. If an LEA chooses to use direct verification, the State agency must work with the LEA in determining the best method for doing direct verification and assist in facilitating contacts with State-level agencies, as needed, to establish the mechanism for doing direct verification.
- Receipt of food stamps, TANF cash assistance, or FDPIR benefits confirms a household's free status and may be used to verify eligibility. Direct verification with State Medicaid agencies may be used to confirm a household's free status if the Medicaid income limit is not more than 133 percent of the poverty guidelines

and reduced price status if the limit is between 133 percent and 185 percent. In addition, States with Medicaid eligibility above 133 percent of poverty may be able to indicate if a free meal eligible household has income below 133 percent, or a reduced price eligible household has income between 133-185 percent.

- LEAs should use direct verification information only to support the original eligibility status, or the status as corrected by the confirmation review. Household eligibility status can not be changed based on the direct verification information. If there is a conflict, the household must be contacted for additional verification information.
- Direct verification information from public agencies must be the most recent information available. “Most recently available” is information reflecting program participation or income before the 180-day period ending on the date of application for free or reduced price meals.

LEAs are encouraged to use direct verification prior to issuance of the regulation and should work closely with their State agencies and Regional offices to ensure proper implementation and facilitate the process.

For further information call the Child Nutrition Division at 208-332-6820